

Clerk's Office
Filed Date: 6/14/2022

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW
YORK
BROOKLYN OFFICE

-----X
ANGEL SERRANO,

Plaintiff,

-against-

ANGEL PALACIOS a/k/a ANGEL
BARRERA a/k/a ANGEL BARRERA
PALACIOS, et al.,

Defendants.
-----X

NOT FOR PUBLICATION
MEMORANDUM & ORDER
21-cv-980 (CBA) (TAM)

AMON, United States District Judge:

On February 23, 2021, Angel Serrano ("Serrano") filed suit against Angel Palacios a/k/a Angel Barrera a/k/a Angel Barrera Palacios ("Palacios"), Ira G. Cooper ("Cooper"), Rosendo Rivas ("Rivas"), and APRR Development Inc. ("APRR"), alleging that they defrauded him out of \$200,000 in connection with a real estate venture. On June 2, 2021, Serrano withdrew his claims against Cooper. On August 12, 2021, the Clerk of Court entered a certificate of default against Palacios. On December 3, 2021, Serrano moved for a default judgment against Palacios and withdrew his claims against Rivas and APRR. I referred that default judgment motion to the Honorable Taryn A. Merkl, United States Magistrate Judge, for report and recommendation. Magistrate Judge Merkl entered a thorough and well-reasoned report and recommendation (the "R&R") on May 20, 2022, recommending that the motion for default judgment be granted in part and denied in part. Magistrate Judge Merkl recommended finding Palacios liable for Serrano's claims of common law fraud and conversion. She also recommended awarding Serrano \$200,000 in compensatory damages as well as the \$402 filing fee he had paid, denying his request for attorney's fees, and awarding prejudgment and post-judgment interest. (ECF Docket Entry ("D.E.") # 23 at 24-25.) A copy of the report and recommendation was served on Palacios on May 26, 2022. (D.E. # 24.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting Wilds v. United Parcel Serv., 262 F. Supp. 163, 169 (S.D.N.Y. 2003)).

I have reviewed the record, and finding no clear error, I adopt the R&R. I grant Serrano’s motion for default judgment in part, awarding him:

- \$200,000 in damages;
- \$402 for the filing fee reflected on the docket;
- prejudgment interest at nine percent per annum to be calculated from March 23, 2019, through the date of judgment;
- and post-judgment interest at the rate set forth in 28 U.S.C. § 1961(a), to be calculated from the date judgment is entered until the date of payment.

The Clerk of Court is respectfully directed to enter judgment accordingly in this case.

SO ORDERED.

Dated: June 13, 2022
Brooklyn, New York

/s/ Carol Bagley Amon
Carol Bagley Amon
United States District Judge